

1
2
3
4
5
6
7 IN THE UNITED STATES BANKRUPTCY COURT
8 FOR THE EASTERN DISTRICT OF WASHINGTON

9 In re:
10 GIGA WATT, INC.

CASE NO. 18-03197-FPC7

11 ORDER ON MOTION TO ENFORCE
12 SETTLEMENT AGREEMENT

13 Debtor

14 This matter coming before the court on the Landlords' Motion to Enforce Settlement
15 Agreement, the court having reviewed the pleadings and files herein and being fully advised in
16 the premises, the court finds as follows:

17 1. On September 23, 2020, the Chapter 11 Trustee filed his Motion for Entry of
18 Order Granting Motion of the Chapter 11 Trustee for an Order (i) Approving ML and EDH
19 Settlement and Granting Related Relief and (ii) Shortening Time ("Motion") (ECF No. 724).

20 2. Attached as an exhibit to the Motion was the Settlement Agreement and Release
21 ("Agreement") which stated the relevant facts of the matter, and the terms for the Court's
22 approval.

23 3. Paragraph 1(a) of the Agreement provides as follows: 1. Settlement Payments.
24 (a) Payment by the Trustee. The Trustee shall pay the Landlords the sum of One Hundred
25 Sixty-Nine Thousand One Hundred Twenty-Eight and 43/100 Dollars (\$169,128.43).
26
27

1 4. Paragraph 1(c) provides: Timing of Payment. The payments provided herein
2 shall be paid by wire transfer not later than five (5) business days after entry of an order in the
3 Bankruptcy Case approving this Agreement (the “Approval Order”).

4 5. On August 3, 2020, the United States Trustee filed Motion to Convert the
5 Chapter 11 Case to a Chapter 7 (ECF No. 659).
6

7 6. On September 29, 2020, this Court entered the Order Converting Case to
8 Chapter 7.

9 7. On October 8, 2020, a hearing was held on the Motion to Approve Compromise
10 (ECF No. 724) and the Motion to Sell Free and Clear (ECF No. 720).

11 8. The Motion to Approve Compromise was granted orally on October 8, 2020
12 (ECF No. 752).
13

14 9. The above-captioned case was converted to a Chapter 7 when the Agreement
15 was approved, and therefore there should be no cause for further delay.

16 THEREFORE, IT IS HEREBY ORDERED ADJUDGED AD DECREED that that the
17 Motion to Enforce the Parties’ Settlement Agreement is hereby GRANTED;

18 IT IS FURTHER ORDERED that the Chapter 7 Trustee is directed to make the
19 disbursement to Landlords pursuant to this Order within seven (7) days of entry.
20

21 ///End of Order///

22 PRESENTED BY: OVERCAST LAW OFFICES-NCW, PLLC

23 /s/ David A. Kazemba
24 David A. Kazemba, WSBA #48049
25 Attorneys for Creditors, Giga Plex, LLC
26 and MLDC1, LLC
27